

August 7, 2003

**Public Notice for Water Quality Certification and/or
Waste Discharge Requirements (Dredge/Fill Projects)
Elk Valley Rancheria Peacock Creek Water Diversion Improvement Project
(WDID No. 1A03134WNDN)**

Del Norte County

On July 18, 2003, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the Elk Valley Rancheria requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Peacock Creek Water Diversion Improvement Project in Del Norte County. The application was deemed complete on July 29, 2003. The proposed project causes disturbances to waters of the state associated with Peacock Creek and the Smith River Hydrologic Unit No. 103.00.

The proposed project is located near the crossing of Peacock Creek and Tan Oak Drive, approximately two miles north (downstream) of the Hiouchi Bridge, Del Norte County, California. The purpose of the project is to improve the Peacock Creek water diversion structure concurrently with California Department of Fish and Game culvert modifications to eliminate a salmonid migration barrier.

The proposed project consists of the replacement of an existing antiquated water delivery system with a newer, more efficient and less intrusive under-gravel gallery system. Approximately 50 cubic yards of gravel will be placed around the infiltration pipe.

Instream work for the Peacock Creek Salmonid Migration Barrier Removal Project will take place between August 7, 2003, and October 7, 2003. The modifications to the water diversion system are expected to be completed within a one-week window. Adhering to this schedule should minimize impacts to Peacock Creek and migrating fish.

The California Department of Fish and Game, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Negative Declaration pursuant to the California Environmental Quality Act (CEQA).

The nearest receiving water is Peacock Creek located in Smith River Hydrologic Unit No. 103.00.

Staff is proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act Authority. Staff will consider all comments received during a 21-day comment period that begins on the first date of issuance of this notice. If you have any questions or comments, please contact staff member Albert Wellman at wella@rb1.swrcb.ca.gov within 21 days of the posting of this notice.